




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,024	12/02/2003	Fernando Rego	SJ-11902US	2611
7590 10/21/2004				
DENNISON ASSOCIATES SUITE 301 133 RICHMOND ST. WEST TORONTO, ON M5H 2L7 CANADA			EXAMINER BENNETT, GEORGE B	
			ART UNIT 2859	PAPER NUMBER

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/725,024	<b>Applicant(s)</b> REGO, FERNANDO	
	<b>Examiner</b> G. Bradley Bennett	<b>Art Unit</b> 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 8 is objected to because of the following informalities: the term "said counter balancing means" lacks antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ermilio.
4. FIG 1 of Ermilio clearly discloses a tailoring system with a spread assembly C comprising arms and indicators specifically as claimed.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ermilio in view of Ericson.

7. Ermilio discloses the invention substantially as claimed. However, Ermilio does not disclose a bracket which produces simultaneous uniform arm movement as claimed. Ericson discloses a bracket **P** on a tailors instrument that moves arms simultaneously for the purpose of taking measurements on opposite sides of the human body. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use a bracket as taught by Ericson in conjunction with the device of Ermilio for the purpose of producing simultaneous measurements using the Ermilio device.

8. Claims 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ermilio in view of Benesh et al..

9. Ermilio discloses the invention substantially as claimed. However, Ermilio does not disclose a scale or counter balance as claimed. Benesh et al. discloses how a scale device may be combined with a human dimension measuring instrument for the purpose of taking weight and dimension measurements with a single instrument. Benesh et al. also discloses how a counter balance may be used within the upright portion of a vertical measuring scale to permit the scale to slide more easily. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the features as taught by Benesh et al. in conjunction with the device of Ermilio for the purposes of, respectively, taking a plurality of measurements with a single instrument and permitting the scale of Ermilio to slide more easily.

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10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ermilio in view of Shaw-Weeks.

11. Ermilio discloses the invention substantially as claimed. However, Ermilio does not disclose a software system to adapt measurements to create displays or printouts for specific manufacturers as claimed. Shaw-Weeks discloses how measurements and software can be used to create a list of available garments from a variety of manufacturers for the purpose of simplifying shopping. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the software as taught by Shaw-Weeks in conjunction with the device of Ermilio for the purpose of producing a list of available garments to simplify shopping.

12. Claims 10-13 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ermilio in view of Crane.

13. Ermilio discloses the invention substantially as claimed. However, Ermilio does not disclose the scale and bar code reader as claimed. Crane discloses a scale and hand-held bar code reader used with a tape for the purpose of automating distance measurements to eliminate human error. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use a scale and bar code reader as taught by Crane in conjunction with the device of Ermilio for the purpose of automating the distance measurements taken using the Ermilio device.

14. Claims 14 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Ermilio and Crane as applied to claim 13 above, and further in view of Shaw-Weeks.

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15. Ermilio and Crane disclose the invention substantially as claimed. However, neither Ermilio nor Crane disclose a software system to adapt measurements to create displays or printouts for specific garment manufacturers as claimed. Shaw-Weeks discloses how measurements and software can be used to create a list of available garments from a variety of manufacturers for the purpose of simplifying shopping. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the software as taught by Shaw-Weeks in conjunction with the combination of Ermilio and Crane for the purpose of producing a list of available garments to simplify shopping.

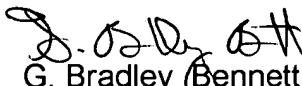
16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Bradley Bennett whose telephone number is 571.272.2237. The examiner can normally be reached on M-TH 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on 571.272.2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
G. Bradley Bennett  
Primary Examiner  
Art Unit 2859

gbb  
19 OCT 2004